

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 12**

4
5 **Series, 2016**

6
7 **INTRODUCED BY COUNCILMEMBERS: CERNANEC & BRINKMAN**

8
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**
10 **COLORADO, ADDING CHAPTER 19 TO TITLE 1 OF THE**
11 **CITY CODE ADOPTING AN EMERGENCY**
12 **MANAGEMENT POLICY**

13
14 **WHEREAS,** the Colorado Disaster Emergency Act, C.R.S. 24-33.5-701, *et seq.*
15 (the "Act") is intended to clarify and strengthen the role of local governments in the prevention,
16 preparation, response, and recovery from disasters and emergencies;

17
18 **WHEREAS,** the City Council finds it to be in the best interest of the health,
19 safety and welfare of the citizens to have a clear delineation of authority for the disaster
20 declaration process and resource allocation before, during and after a disaster; and

21
22 **WHEREAS,** the city council deems it prudent and necessary to adopt an
23 emergency management policy pursuant to the Act.

24
25 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
26 **THE CITY OF LITTLETON, COLORADO, THAT:**

27
28
29 **Section 1:** Title 1 of the City-Code is hereby amended by the addition of a
30 new Chapter 19 to read as follows:

31
32 **CHAPTER 19. EMERGENCY MANAGEMENT**

33
34 **1-19-1 PURPOSE AND DECLARATION OF POLICY**

35 THE PURPOSE OF THIS CHAPTER IS TO SET OUT AND CLARIFY THE AUTHORITY
36 OF THE CITY OF LITTLETON AND OF ITS OFFICERS WITH REGARD TO LOCAL,
37 REGIONAL AND NATIONAL EMERGENCY AND DISASTER SITUATIONS. IT IS
38 INTENDED, IN CONFORMITY WITH SECTION 24-33.5-707, C.R.S., OF THE COLORADO
39 DISASTER EMERGENCY ACT (THE "ACT") TO PROVIDE THE CITY OF LITTLETON
40 WITH THE BROADEST POWER PERMITTED BY CONSTITUTIONAL AND
41 STATUTORY AUTHORITY TO PRESERVE THE PUBLIC PEACE, HEALTH, SAFETY
42 AND WELFARE.

1 **1-19-2 DEFINITIONS**

2
3 A. WHEN USED IN THIS CHAPTER, THE FOLLOWING WORDS, TERMS AND
4 PHRASES, AND THEIR DERIVATIONS, SHALL HAVE THE MEANING
5 ASCRIBED TO THEM IN THE ACT AND THIS SECTION, EXCEPT WHERE THE
6 CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:
7

8 (1) "DISASTER" MEANS THE OCCURRENCE OR IMMINENT THREAT OF
9 WIDESPREAD OR SEVERE DAMAGE, INJURY, OR LOSS OF LIFE OR
10 PROPERTY RESULTING FROM ANY NATURAL CAUSE OR CAUSE OF
11 HUMAN ORIGIN, INCLUDING BUT NOT LIMITED TO FIRE, FLOOD,
12 EARTHQUAKE, WIND, STORM, WAVE ACTION, HAZARDOUS
13 SUBSTANCE INCIDENT, OIL SPILL OR OTHER WATER CONTAMINATION
14 REQUIRING EMERGENCY ACTION TO AVERT DANGER OR DAMAGE,
15 VOLCANIC ACTIVITY, EPIDEMIC, AIR POLLUTION, BLIGHT, DROUGHT,
16 INFESTATION, EXPLOSION, CIVIL DISTURBANCE, HOSTILE MILITARY
17 OR PARAMILITARY ACTION, OR A CONDITION OF RIOT, INSURRECTION,
18 OR INVASION EXISTING IN THE STATE OR IN ANY COUNTY, CITY,
19 TOWN OR DISTRICT IN THE STATE.
20

21 (2) "STATE OF LOCAL EMERGENCY" IS DECLARED WHEN IN THE OPINION
22 OF THE CITY MANAGER AND/OR CITY COUNCIL A DISASTER OR
23 EMERGENCY HAS OCCURRED OR IS IMMINENT TO THE CITY. UPON
24 ISSUING A DECLARATION OF A STATE OF LOCAL EMERGENCY, THE
25 CITY MANAGER SHALL HAVE COMPLETE AUTHORITY TO ISSUE SUCH
26 ORDERS AS MAY BE NECESSARY TO IMPLEMENT AND CARRY OUT
27 EMERGENCY MANAGEMENT OPERATIONS AND TO PROTECT THE
28 HEALTH, SAFETY, AND RESOURCES OF THE RESIDENTS OF THE CITY OF
29 LITTLETON.
30

31 **1-19-3 DECLARATION OF STATE OF LOCAL EMERGENCY**

32
33 A. WHENEVER A MAJOR EMERGENCY OR DISASTER EVENT, OR IMMINENT
34 THREAT THEREOF, OCCURS IN THE CITY OF LITTLETON AND RESULTS IN,
35 OR THREATENS TO RESULT IN, THE DEATH OR INJURY OF PERSONS OR THE
36 DESTRUCTION OF OR DAMAGE TO PROPERTY TO SUCH EXTENT AS TO
37 REQUIRE, IN JUDGMENT OF THE CITY MANAGER OR DESIGNEE,
38 EXTRAORDINARY AND IMMEDIATE MEASURES TO PROTECT THE PUBLIC
39 PEACE, SAFETY AND WELFARE, THE CITY MANAGER OR DESIGNEE SHALL
40 FORTHWITH:
41

42 (1) DECLARE THE EXISTENCE OR THREATENED EXISTENCE OF A STATE
43 OF LOCAL EMERGENCY; OR

- 1 (2) REQUEST THE CITY COUNCIL TO DECLARE THE EXISTENCE OR
2 THREATENED EXISTENCE OF A STATE OF LOCAL EMERGENCY;
3

4 B. DECLARATIONS OF A STATE OF LOCAL EMERGENCY ISSUED BY THE CITY
5 MANAGER OR DESIGNEE, SHALL, AS SOON AS PRACTICABLE BUT IN NO
6 EVENT LONGER THAN SEVEN (7) DAYS, BE FILED WITH THE CITY CLERK AND
7 PRESENTED TO THE CITY COUNCIL FOR RATIFICATION AND
8 CONFIRMATION, MODIFICATION OR REJECTION. DECLARATIONS WHICH
9 ARE REJECTED SHALL, AFTER VOTE, BE VOID. DECLARATIONS SHALL BE
10 CONSIDERED IN FULL FORCE AND EFFECT UNTIL THE COUNCIL SHALL ACT.
11

- 12 (1) WHERE PRACTICABLE AND APPROPRIATE, THE CITY MANAGER OR
13 DESIGNEE, SHALL CONSULT PRIOR TO THE ISSUANCE OF A
14 DECLARATION OF A STATE OF LOCAL EMERGENCY WITH LOCAL,
15 STATE AND FEDERAL EMERGENCY MANAGEMENT AGENCIES.
16

- 17 (2) SUCH DECLARATION OF STATE OF LOCAL EMERGENCY MAY BE IN
18 ADDITION TO OR AS AN ALTERNATIVE TO THE PROCLAMATION OF
19 THE STATE OF EMERGENCY BY THE GOVERNOR.
20

- 21 (3) CITY COUNCIL SHALL TERMINATE THE DECLARATION WHEN
22 NORMAL OPERATIONS HAVE BEEN RESTORED IN THE AFFECTED
23 AREA OF THE CITY OF LITTLETON.
24

25 **1-19-4 AUTHORIZED EMERGENCY ORDERS**
26

27 A. UPON DECLARATION OF STATE OF LOCAL EMERGENCY, AND DURING THE
28 EXISTENCE OF SUCH STATE OF LOCAL EMERGENCY, THE CITY MANAGER
29 OR DESIGNEE MAY MAKE AND PROCLAIM ANY OR ALL OF THE
30 FOLLOWING EMERGENCY ORDERS AND DELEGATE ENFORCEMENT
31 AUTHORITY THEREFORE TO LAW ENFORCEMENT OFFICERS AND
32 DESIGNATED EMERGENCY PERSONNEL:
33

- 34 (1) AN ORDER PROVIDING FOR THE EVACUATION AND RECEPTION OF
35 THE POPULATION OF THE CITY OF LITTLETON OR ANY PART
36 THEREOF;
37

- 38 (2) AN ORDER IMPOSING A GENERAL CURFEW APPLICABLE TO THE
39 CITY OF LITTLETON AS A WHOLE, OR TO SUCH GEOGRAPHICAL
40 AREA OR AREAS OF THE CITY OF LITTLETON AND DURING SUCH
41 HOURS, AS THE CITY MANAGER OR DESIGNEE DEEMS NECESSARY,
42 AND FROM TIME TO TIME TO MODIFY THE HOURS THAT SUCH
43 CURFEW WILL BE IN EFFECT AND THE AREA OR AREAS TO WHICH IT

1 WILL APPLY;

2
3 (3) AN ORDER REQUIRING ANY OR ALL BUSINESS ESTABLISHMENTS TO
4 CLOSE AND REMAIN CLOSED UNTIL FURTHER ORDER;

5
6 (4) AN ORDER TO CLOSE ANY OR ALL PUBLIC PLACES;

7
8 (5) AN ORDER ESTABLISHING ECONOMIC CONTROLS IN AID OF AND
9 SUPPLEMENTARY TO AND CONSISTENT WITH FEDERAL ORDERS
10 RELATING TO PRICE STABILIZATION OR CONTROLS, INCLUDING BUT
11 NOT LIMITED TO: THE CONVENING AND ESTABLISHING OF RATION
12 BOARDS; AIDING RETAIL AND WHOLESALE RATION ACCOUNTS;
13 MONITORING PRICE CONTROL OPERATIONS AND REPORTING
14 VIOLATIONS TO APPROPRIATE AUTHORITIES; ASSISTING IN
15 PROVIDING ESSENTIAL SUPPLIES TO DISASTER VICTIMS; ADVISING
16 APPROPRIATE AUTHORITIES CONCERNING RATIONING, PRICE
17 CONTROL, WAGE AND RENT CONTROLS AND ALLOCATION OF FOOD
18 AND OTHER ESSENTIAL COMMODITIES;

19
20 (6) AN ORDER DIRECTING THE USE OF PUBLIC AND PRIVATE HEALTH,
21 MEDICAL, AND CONVALESCENT FACILITIES AND EQUIPMENT TO
22 PROVIDE EMERGENCY HEALTH AND MEDICAL CARE FOR DISASTER
23 VICTIMS; AND

24
25 (7) SUCH OTHER ORDERS AS ARE IMMINENTLY NECESSARY FOR THE
26 PROTECTION OF LIFE AND PROPERTY.

27
28 B. IN THE ABSENCE OF THE CITY MANAGER OR DESIGNEE, EMERGENCY
29 ORDERS MAY BE ISSUED BY THE MAYOR AND IN THE ABSENCE OF THE
30 CITY MANAGER OR DESIGNEE AND MAYOR, EMERGENCY ORDERS MAY BE
31 ISSUED BY THE MAYOR PRO TEM.

32
33 C. EMERGENCY ORDERS SHALL BE FILED WITH THE CITY CLERK AND
34 PRESENTED AS SOON AS PRACTICABLE BUT IN NO EVENT LONGER THAN
35 SEVEN (7) DAYS, TO THE CITY COUNCIL FOR RATIFICATION AND
36 CONFIRMATION, MODIFICATION OR REJECTION. ORDERS WHICH ARE
37 REJECTED SHALL, AFTER VOTE, BE VOID. EMERGENCY ORDERS SHALL BE
38 CONSIDERED IN FULL FORCE AND IN EFFECT UNTIL COUNCIL SHALL ACT.

39
40 **1-19-5 NOTICE OF DECLARATIONS OF STATE OF LOCAL EMERGENCY**
41 **AND EMERGENCY ORDERS**

42
43 NOTICE OF ANY DECLARATION OF STATE OF LOCAL EMERGENCY OR

1 EMERGENCY ORDERS ISSUED PURSUANT TO THE AUTHORITY OF THIS
2 ORDINANCE SHALL BE GIVEN AS SOON AS PRACTICABLE TO NEWS MEDIA
3 WITHIN THE GENERAL AREA OF THE CITY OF LITTLETON, THE PUBLIC, AND TO
4 ARAPAHOE, DOUGLAS, AND JEFFERSON COUNTY EMERGENCY MANAGEMENT
5 AGENCIES.

6
7 **1-19-6 DESIGNATION OF EXECUTIVE HEAD OF THE CITY**

8
9 THE CITY MANAGER OR DESIGNEE SHALL SERVE AS THE EXECUTIVE HEAD OF
10 THE CITY OF LITTLETON GOVERNMENT FOR THE PURPOSES OF EMERGENCY
11 MANAGEMENT PURSUANT TO SECTION 24-33.5-707, C.R.S.

12
13 **1-19-7 GENERAL DUTIES OF EXECUTIVE HEAD OF THE CITY**

14
15 A. THE EXECUTIVE HEAD SHALL BE RESPONSIBLE FOR THE FOLLOWING:

- 16
17 (1) TO ISSUE OR REQUEST ISSUANCE OF DECLARATION OF STATE OF
18 LOCAL EMERGENCY PURSUANT TO SECTION 1-19-3 OF THIS
19 CHAPTER;
20
21 (2) TO ISSUE EMERGENCY ORDERS PURSUANT TO SECTION 1-19-4 OF
22 THIS CHAPTER;
23
24 (3) TO REQUEST THAT THE GOVERNOR PROCLAIM A STATE OF
25 EMERGENCY WHEN IN THE OPINION OF THE CITY MANAGER, THE
26 RESOURCES OF THE CITY OF LITTLETON, AREA OR REGION ARE
27 INADEQUATE TO COPE WITH THE EMERGENCY OR DISASTER;
28
29 (4) TO OVERSEE PREPARATION, IMPLEMENTATION AND PERIODIC
30 REVIEWS AND UPDATES OF THE CITY OF LITTLETON EMERGENCY
31 OPERATIONS PLAN AS REQUIRED BY SECTION 24-33.5-707, C.R.S.;
32
33 (5) TO PROMULGATE THE CITY OF LITTLETON EMERGENCY
34 OPERATIONS PLAN IN CONFORMITY WITH LAW; PROVIDED THAT
35 SUCH SHALL DESIGNATE A LINE OF SUCCESSION FOR THE CITY OF
36 LITTLETON ADMINISTRATIVE OFFICERS IN THE EVENT THAT THE
37 CITY MANAGER OR DESIGNEE ARE UNABLE TO SERVE AS MANAGER
38 OF EMERGENCY SERVICES AND EXECUTIVE HEAD IN TIME OF
39 EMERGENCY AND SHALL DESCRIBE THE LINE OF SUCCESSION FOR
40 THE MAYOR, MAYOR PRO TEM AND COUNCIL IN CONFORMITY WITH
41 THE PROVISIONS OF THE CITY OF LITTLETON CHARTER AND STATE
42 LAW;
43

- 1 (6) TO DIRECT COORDINATION AND COOPERATION BETWEEN
2 DEPARTMENTS, DIVISIONS, SERVICES AND STAFF IN CARRYING OUT
3 THE PROVISIONS OF THE EMERGENCY OPERATIONS PLAN, AND TO
4 RESOLVE QUESTIONS OF AUTHORITY AND RESPONSIBILITY THAT
5 MAY ARISE AMONG THEM;
6
7 (7) TO ACT IN COORDINATION WITH THE STATE AND OTHER
8 GOVERNMENTAL AGENCIES TO PLAN AND IMPLEMENT JOINT
9 JURISDICTIONAL PLANNING AND DISASTER SERVICES PLANS AND
10 MUTUAL AID AGREEMENTS; AND
11
12 (8) TO CONSULT WITH THE CITY ATTORNEY FOR THE CITY OF
13 LITTLETON IN PLANNING AND EXERCISE OF EMERGENCY POWERS.
14

15 **1-19-8 EMERGENCY PROCUREMENTS**
16

17 THE PURCHASING OFFICER MAY MAKE EMERGENCY PROCUREMENTS FOR THE
18 PRESERVATION OF LIFE, PROPERTY AND THE ENVIRONMENT IN ACCORDANCE
19 WITH SECTION 102 OF THE LITTLETON CITY CHARTER.
20

21 **1-19-9 EMERGENCY POWERS UNDER GOVERNOR'S DECLARATION OF**
22 **EMERGENCY**
23

- 24 A. IN ADDITION TO, OR AS AN ALTERNATIVE TO, THOSE EMERGENCY
25 POWERS PRESCRIBED BY THIS CHAPTER UPON THE DECLARATION OF A
26 STATE OF LOCAL EMERGENCY, THE CITY MANAGER OR DESIGNEE SHALL
27 HAVE, UPON PROCLAMATION OF A STATE OF EMERGENCY BY THE
28 GOVERNOR, PURSUANT TO THE ACT, THE AUTHORITY TO EXERCISE
29 EMERGENCY POWERS INCLUDING WITHOUT LIMITATION:
30
31 (1) TO DETERMINE, SUBJECT TO THE CITY OF LITTLETON BUDGET
32 PROCEDURES, THE CITY OF LITTLETON'S CONTRIBUTION TO THE
33 COST OF A JOINT LOCAL EMERGENCY MANAGEMENT
34 ORGANIZATION UPON A FAIR AND EQUITABLE BASIS;
35
36 (2) TO ACT DIRECTLY OR THROUGH DELEGATES OF THE DIRECTOR OF
37 EMERGENCY MANAGEMENT FOR THE CITY OF LITTLETON OR BY
38 JOINT ACTION WITH OTHER LOCAL POLITICAL SUBDIVISION
39 EXECUTIVE HEADS, APPOINT THE DIRECTOR OF A JOINT
40 ORGANIZATION FOR EMERGENCY MANAGEMENT;
41
42 (3) TO ACCEPT AND RECEIVE, WITH THE CONSENT OF THE GOVERNOR,
43 ON BEHALF OF THE CITY OF LITTLETON, OFFERS FROM THE

FEDERAL GOVERNMENT OF SERVICES, EQUIPMENT, SUPPLIES, MATERIALS, OR FUNDS BY WAY OF GIFT, GRANT, OR LOAN, FOR THE PURPOSES OF EMERGENCY MANAGEMENT;

(4) TO ACCEPT AND RECEIVE ON BEHALF OF THE CITY OF LITTLETON FROM ANY PERSON, FIRM, OR CORPORATION, OFFERS OF SERVICES, EQUIPMENT, SUPPLIES, MATERIALS, OR FUNDS BY WAY OF GIFT, GRANT, OR LOAN, FOR THE PURPOSES OF EMERGENCY MANAGEMENT, SUBJECT TO THE TERMS OF THE OFFER;

(5) IN CASES WHERE THERE IS DAMAGE TO THE EQUIPMENT BORROWED FROM OTHER CITIES UNDER A MUTUAL AID AGREEMENT, TO RECEIVE THE FILING OF CLAIMS FOR SUCH DAMAGE WITHIN SIXTY (60) DAYS AFTER THE DAMAGE IS INCURRED; AND

(6) TO UTILIZE EXISTING SERVICES AND FACILITIES TO THE MAXIMUM EXTENT PRACTICABLE NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE EVENT OF A DISASTER, AFTER PROCLAMATION BY THE GOVERNOR OF THE EXISTENCE OF SUCH DISASTER, TO HAVE THE POWER TO COMMAND THE SERVICE AND EQUIPMENT OF CITIZENS AS CONSIDERED NECESSARY IN THE LIGHT OF THE DISASTER PROCLAIMED; PROVIDED THAT CITIZENS' SERVICES AND EQUIPMENT SO COMMANDEERED SHALL BE ENTITLED DURING THE PERIOD OF SUCH SERVICES TO ALL PRIVILEGES, BENEFITS AND IMMUNITIES AS ARE PROVIDED BY FEDERAL AND STATE EMERGENCY MANAGEMENT REGULATIONS FOR REGISTERED EMERGENCY WORKERS.

1-19-10 CONTINUANCE OF EXISTING AGREEMENTS

NOTHING IN THIS CHAPTER SHALL BE DEEMED TO AFFECT ANY EXISTING INTERGOVERNMENTAL AGREEMENTS ENTERED INTO BY THE CITY OF LITTLETON REGARDING EMERGENCY PLANNING OR WITH ANY UNIT OF STATE OR LOCAL GOVERNMENT REGARDING THE GIVING OF MUTUAL AID; PROVIDED THAT FOR THE PURPOSES OF SUCH AGREEMENTS, THE CITY MANAGER OR DESIGNEE SHALL EXERCISE ALL POWERS AS EXECUTIVE HEAD OF THE CITY OF LITTLETON.

1-19-11 GENERAL PUBLIC DUTY CREATED

A. IT IS EXPRESSLY THE PURPOSE OF THIS CHAPTER TO PROVIDE FOR AND PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE GENERAL PUBLIC

1 AND NOT TO CREATE OR OTHERWISE ESTABLISH OR DESIGNATE ANY
2 PARTICULAR CLASS OR GROUP OF PERSONS OR INDIVIDUAL WHO WILL OR
3 SHOULD BE ESPECIALLY PROTECTED OR BENEFITED BY THE TERMS OF
4 THIS CHAPTER.

- 5
6 B. NOTHING CONTAINED IN THIS CHAPTER IS INTENDED, NOR SHALL IT BE
7 CONSTRUED, TO CREATE OR FORM THE BASIS OF ANY LIABILITY ON THE
8 PART OF THE CITY OF LITTLETON, OR ITS OFFICERS, EMPLOYEES OR
9 AGENTS, FOR ANY INJURY OR DAMAGE RESULTING FROM ANY ACTION OR
10 INACTION ON THE PART OF THE CITY OF LITTLETON RELATED IN ANY
11 MANNER TO THE ENFORCEMENT OF THIS CHAPTER BY ITS OFFICERS,
12 EMPLOYEES OR AGENTS.

13
14 **Section 2:** Severability. If any part, section, subsection sentence, clause or
15 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not
16 affect the validity of the remaining sections of this ordinance. The City Council hereby
17 declares that it would have passed this ordinance, including each part, section, subsection,
18 sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections,
19 subsections, sentences, clauses or phrases may be declared invalid.

20
21 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in
22 conflict with this ordinance are hereby repealed, provided that this repealer shall not
23 repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

24
25
26 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
27 of the City of Littleton on the 16th day of August, 2016, passed on first reading by a vote of 7
28 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
29 Municipal Courthouse and on the City of Littleton Website.

30 PUBLIC HEARING on the Ordinance to take place on the 6th day of September,
31 2016, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
32 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

33 PASSED on second and final reading, following public hearing, by a vote of _____ FOR
34 and _____ AGAINST on the _____ day of _____, 2016 and ordered published by

35 posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton

36 ATTEST:

37 _____
38 Wendy Heffner
39 CITY CLERK

Bruce O. Beckman
MAYOR

40
41 APPROVED AS TO FORM:

42
43 _____
44 Kristin Schledorn
45 CITY ATTORNEY